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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 2 September 2005 from the Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 11 August 2005, I have the honour to transmit herewith the reply of the Chinese Government to that letter regarding the efforts of China in the implementation of Security Council resolution 1540 (2004) (see annex).

(*Signed*) **Wang** Guangya
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the People's Republic of China
to the United Nations

* Reissued for technical reasons.

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Annex to the letter dated 2 September 2005 from the Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

[Original: Chinese]

Supplementary report on steps taken by China to implement Security Council resolution 1540 (2004)

1. The following information on steps taken by China to implement Security Council resolution 1540 (2004) is provided as supplementary explanation of items questioned in the summary matrix of information (hereafter referred to as the matrix) compiled on the basis of China's national report by the Security Council Committee established pursuant to resolution 1540 (2004):

(a) Part 1 of the matrix

(i) Item 9 [on matrix p. 1], "The Hague Code of Conduct" (HCOC): China participated constructively in the discussion on drafting the Code, and made a number of suggestions. As these suggestions were not incorporated, China decided not to join the Code. However, this does not hinder China from engaging in constructive dialogue and cooperation in the area of missile non-proliferation with HCOC member States.

(ii) Item 15 [on matrix p. 2], "Other": China is now party to intergovernmental agreements with 18 countries on the peaceful use of nuclear energy.

(b) Part 2 of the matrix

(i) Biological weapons

a. For China's national legal framework and enforcement measures with regard to prohibiting persons or entities to manufacture, acquire, possess, store, transport, transfer, or use biological weapons, or to finance, assist or participate in the foregoing activities as accomplices or as non-State actors, see articles 5, 6 and 7 of Amendment III of the Criminal Law of the People's Republic of China.

b. For China's national legal framework and enforcement measures with regard to the means of delivery of biological weapons, see the Regulations of the People's Republic of China on Export Control of Missiles and Missile-Related Items and Technologies.

c. With regard to China's enforcement measures prohibiting persons or entities from developing biological weapons, we suggest that this item [no. 5 on matrix p. 3] be deleted because Amendment III of the Criminal Law of the People's Republic of China contains no specific regulations concerning such activities.

(ii) Chemical weapons

a. For China's national legal framework and enforcement measures with regard to prohibiting persons or entities to manufacture, acquire, possess, store, or transport chemical weapons, or to finance, assist or participate in the foregoing activities as an accomplice or as a non-State actor, see articles 5, 6 and 7 of Amendment III of the Criminal Law of the People's Republic of China.

b. For China's national legal framework and enforcement measures with regard to prohibiting persons or entities to transfer or use chemical weapons, see articles 5 and 6 of Amendment III of the Criminal Law of the People's Republic of China.

c. For China's national legal framework and enforcement measures with regard to prohibiting persons or entities to develop chemical weapons, see the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals; we suggest that this item [no. 5 on matrix p. 5] be deleted because Amendment III of the Criminal Law of the People's Republic of China contains no specific regulations concerning such activities.

d. For China's national legal framework and enforcement measures with regard to the means of delivery of chemical weapons, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies.

(iii) Nuclear weapons

a. For China's national legal framework with regard to prohibiting persons or entities to manufacture, acquire, possess, store, transport, transfer or use nuclear weapons, or to finance, assist or participate in the foregoing activities as an accomplice or as a non-State actor, and for China's enforcement measures with regard to prohibiting persons or entities to acquire, possess, store, buy and sell, or use nuclear weapons, or to finance, assist or participate in the foregoing activities as an accomplice or as a non-State actor, see articles 5, 6 and 7 of Amendment III of the Criminal Law of the People's Republic of China.

b. With regard to China's enforcement measures prohibiting persons or entities from developing nuclear weapons, we suggest that this item [no. 5 on matrix p. 7] be deleted because Amendment III of the Criminal Law of the People's Republic of China contains no specific regulations concerning such activities.

c. For China's national legal framework and enforcement measures with regard to the means of delivery of nuclear weapons, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies.

(c) Part 3 (a) and (b) of the matrix

(i) Biological weapons and related materials

a. For China's national legal framework and enforcement measures with regard to accounting for the production or use of biological weapons and related materials, as well as to securing the production of biological weapons and related materials, see the Regulations on the Management of Veterinary Medicines.

b. For China's national legal framework and enforcement measures with regard to accounting for the transport of biological weapons and related materials, see the Measures of the People's Republic of China for the Control of Biological Products for Animal Uses.

c. For China's national legal framework and enforcement measures with regard to accounting for the storage of biological weapons and related materials, see the General Biosafety Standard for Microbiological and Biomedical Laboratories.

d. For China's national legal framework and enforcement measures with regard to securing the use of biological weapons and related materials, see the Tentative Measures on the Stockpiling and Management of Veterinary Bacteria Cultures and the Measures on the Stockpiling and Management of Medical Bacteria Cultures.

e. For China's national legal framework and enforcement measures with regard to securing the storage of biological weapons and related materials, see the Tentative Measures of the People's Republic of China on the Stockpiling and Management of Veterinary Bacteria Cultures, the Measures of the People's Republic of China on the Stockpiling and Management of Medical Bacteria Cultures, and the General Biosafety Standard for Microbiological and Biomedical Laboratories.

f. For China's national legal framework and enforcement measures with regard to securing the transport of biological weapons and related materials, see the Law of the People's Republic of China on the Quarantine of Animals and Plants Brought Into or Taken Out of Chinese Territory and the General Biosafety Standard for Microbiological and Biomedical Laboratories.

g. For China's enforcement measures with regard to ensuring the physical protection of facilities and materials for, and transport of, biological weapons and related materials, see the General Biosafety Standard for Microbiological and Biomedical Laboratories.

h. For China's national legal framework and enforcement measures with regard to the licensing and/or registration of facilities and/or persons handling biological materials, see the Regulations on the Management of Veterinary Medicines, the Measures for the Control of Biological Products for Veterinary Use,

and the General Biosafety Standard for Microbiological and Biomedical Laboratories.

i. For China's national legal framework and enforcement measures with regard to ensuring that the means of delivery of biological weapons and related materials are accounted for, secured and physically protected, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies.

j. For China's national legal framework and enforcement measures with regard to genetic engineering research, the Procedures for the Safe Administration of Agricultural Biological Gene Engineering should be added [to the source document list for this item].

k. For other enforcement measures undertaken by China with regard to the safety and security of biological materials, see the General Biosafety Standard of the People's Republic of China for Microbiological and Biomedical Laboratories.

l. Item 17 [on matrix p. 11], "Other": Amend "1989" to "2004".

(ii) Chemical weapons and related materials

a. For China's national legal framework with regard to accounting for storage and transport of chemical weapons and related materials, as well as with regard to securing their production and transport, enforcement measures with regard to accounting for and securing the production, use, storage and transport of chemical weapons and related materials, and national legal framework and enforcement measures with regard to licensing of chemical-materials-related installations, entities and uses, see the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals and the Detailed Rules for the Implementation of the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals.

b. For China's national legal framework and enforcement measures with regard to accounting for, securing and physically protecting the means of delivery of chemical weapons and related materials, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies.

c. For China's other regulations and enforcement measures with regard to the control of chemical materials, see the Measures on the Export Control of Certain Chemicals and Related Equipment and Technologies.

d. Item 19 [on matrix p. 13], "Other": Amend the number of times China has accepted on-site inspections by OPCW to "96".

(iii) Nuclear weapons and related materials

a. For China's enforcement measures with regard to accounting for and securing the production, use, storage and transport of nuclear weapons and related materials, China's national legal framework and enforcement measures with regard to the physical protection of nuclear-related facilities, materials and transport, and China's enforcement measures regarding the licensing of nuclear-materials-related installations, entities and uses, see the Regulations of the People's Republic of China on the Control of Nuclear Materials and Amendment III of the Criminal Law of the People's Republic of China.

b. For China's national legal framework and enforcement measures with regard to accounting for, securing and physically protecting the means of delivery of nuclear weapons and related materials, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies.

c. In Item 15 [on matrix p. 15], China's national nuclear regulatory authority is the China Atomic Energy Authority of China.

d. Item 19 [on matrix p. 15], "Other Agreements related to IAEA": add the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

(d) Part 3 (c) and (d) of the matrix

(i) Biological weapons and related materials

a. For China's implementation of controls on the brokering of, trade in or other assistance in the sale or purchase of biological weapons and related materials, commodities and technologies, as well as its national legal framework with regard to the individual licensing authority for biological weapons and related materials, see the Regulations of the People's Republic of China on Export Control of Dual-use Biological Agents and Related Equipment and Technologies. The responsible Government department is the Ministry of Commerce of the People's Republic of China.

b. For China's national legal framework with regard to the designation of a Government department responsible for enforcement of legislation regarding biological weapons and related materials, see the Criminal Law of the People's Republic of China, the Regulations of the People's Republic of China on Exit and Entry Frontier Inspection, and the Regulations of the People's Republic of China on Export Control of Dual-use Biological Agents and Related Equipment and Technologies. The Ministry of Commerce of the People's Republic of China should be added to the matrix as the responsible Government department.

c. For item 11 [on matrix p. 18], the "national licensing authority" is the Ministry of Commerce of the People's Republic of China. For related legislation, see the Regulations of the People's Republic of China on Export Control of Dual-use Biological Agents and Related Equipment and Technologies.

d. For item 12 [on matrix p. 18], competent Government departments involved in "interagency license review" include the Ministry of Commerce of the People's Republic of China, the Ministry of Health of the People's Republic of China, the Ministry of Agriculture of the People's Republic of China, and the National Development and Reform Commission of the People's Republic of China.

e. For China's national legal framework with regard to related technologies, end-users, catch-all clauses, intangible transfers and re-export controls for biological weapons and related materials, and China's enforcement measures with regard to end-users, catch-all clauses, intangible transfers and re-export controls for biological weapons and related materials, see the Regulations of the People's Republic of China on Export Control of Dual-use Biological Agents and Related Equipment and Technologies.

f. For China's legal enforcement measures with regard to importing biological weapons and related materials, see the Law of the People's Republic of China on the Quarantine of Animals and Plants Brought Into or Taken Out of Chinese Territory.

(ii) Chemical weapons and related materials

a. For China's national legal framework with regard to controls on the brokering of, trade in or other assistance in the sale or purchase of chemical weapons and related materials, commodities and technologies, its national legal framework with regard to related technologies, catch-all clauses, intangible transfers and re-export controls for chemical weapons and related materials, and China's enforcement measures with regard to end-users, catch-all clauses, intangible transfers and re-export controls for chemical weapons and related materials, see the Measures of the People's Republic of China on Export Control of Certain Chemicals and Related Equipment and Technologies.

b. For China's national legal framework with regard to the designation of a Government department responsible for enforcement of legislation regarding chemical weapons and related materials, see the Criminal Law of the People's Republic of China, the Regulations of the People's Republic of China on Exit and Entry Frontier Inspection, the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, and the Measures of the People's Republic of China on Export Control of Certain Chemicals and Related Equipment and Technologies. The National Development and Reform Commission of the People's Republic of China and the Ministry of Commerce of the People's

Republic of China should be added to the matrix as the responsible Government departments.

c. For China's national legal framework with regard to the sole licensing authority for chemical weapons and related materials, see the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals and the Measures of the People's Republic of China on Export Control of Certain Chemicals and Related Equipment and Technologies. The National Development and Reform Commission of the People's Republic of China and the Ministry of Commerce of the People's Republic of China are the responsible Government departments.

d. For item 11 [on matrix p. 21], the "national licensing authorities" are the National Development and Reform Commission of the People's Republic of China and the Ministry of Commerce of the People's Republic of China. For related legislation, see the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals and the Measures of the People's Republic of China on Export Control of Certain Chemicals and Related Equipment and Technologies.

e. For item 12 [on matrix p. 21], competent Government departments involved in "interagency license review" include the Ministry of Commerce of the People's Republic of China and the National Development and Reform Commission of the People's Republic of China.

f. For item 13 [on matrix p. 22], "Control lists", the Controlled Chemicals List should be added [to the source document list for this item].

g. In item 14 [on matrix p. 22], "in accordance with" should be changed to "with reference to".

h. For China's enforcement measures with regard to importing chemical weapons and related materials, see the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals.

(iii) Nuclear weapons and related materials

a. With regard to China's national licensing authority for nuclear weapons and related materials, the China Atomic Energy Authority is responsible for examination and approval of nuclear exports, while the Ministry of Commerce of the People's Republic of China is responsible for examination and approval of exports of nuclear dual-use items and related technologies.

b. For item 12 [on matrix p. 25], competent Government departments involved in "inter-agency license review" include the China Atomic Energy Authority, the Ministry of Commerce of the People's Republic of China, the Commission of Science, Technology and Industry for National Defense, the Ministry of

Health of the People's Republic of China, and the Ministry of Foreign Affairs of the People's Republic of China.

c. For China's national legal framework and enforcement measures with regard to related technologies, end-users, catch-all clauses, transfers, and re-export and transfer-service controls for nuclear weapons and related materials, see the Regulations of the People's Republic of China on Control of Nuclear Export and the associated control list, and the Regulations of the People's Republic of China on Export Control of Nuclear Dual-use Items and Related Technologies.

d. For China's national legal framework and enforcement measures with regard to the means of delivery of nuclear weapons and related materials, see the Regulations of the People's Republic of China on Export Control of Missile-Related Items and Technologies and the associated control list.

e. For China's national legal framework and enforcement measures with regard to the import of nuclear weapons and related materials, see the Provisions on the Administration of Safeguard and Supervision of Nuclear Import & Export and Foreign Nuclear Cooperation.

(e) Part 4 of the matrix

(i) [In item 1, centre column, paragraph 1 on matrix p. 27, the phrase] "basically the same as that of the AG but not identical" should be amended to "being considered for updating with reference to recent adjustments of the control list of the AG".

(ii) [In item 1, centre column, paragraph 3 on matrix p. 27, the phrase] "same as AG lists" should be amended to "being considered for updating with reference to recent adjustments of the control list of the AG".

2. With regard to the issue of assistance in implementing the resolution, China does not require such assistance at the present time. China has consistently supported international non-proliferation cooperation with practical actions; we are willing to provide assistance to countries in need of it when necessary and feasible.

3. The Chinese Government agrees that materials it has publicly submitted to the United Nations, the International Atomic Energy Agency (IAEA) or the Organization for the Prohibition of Nuclear Weapons (OPCW) may be used by the Committee in the course of its consideration of China's national report.